



Two Memorial City Plaza
820 Gessner, Suite 940
Houston, Texas 77024
Tel: 713.343.0478
Fax: 713.758.0146
www.hnbllc.com

July 9, 2018

Via ECF

Judge Vanessa D. Gilmore
United States District Court Southern District of Texas
Courtroom 9A, 9th Floor
515 Rusk Avenue
Houston, TX

Re: DISH Network L.L.C. v. Adam Lackman et al., Case No. 4:17-cv-1618 (S.D. Tex.)

Dear Judge Gilmore:

I write concerning discovery disputes over DISH's interrogatories and requests for production to Mr. Lackman. The parties conferred via telephone on June 15 and were unable to resolve these disputes.¹

1. Profits information is discoverable and Lackman refuses to produce it.

DISH may recover Lackman's profits associated with his contributory and vicarious copyright infringement. *See* 17 U.S.C. 504(b); Dkt.10.

Lackman distributed a software program that provided unauthorized access to DISH's copyrights from at least February 17, 2015 through June 4, 2017. Lackman distributed the program through his various websites.² Lackman received revenues and profits from his infringing activity from multiple sources, including user donations and marketing revenue. DISH requests an order compelling Lackman to:

- a. Identify Lackman's revenues, costs, and gross profits relating to the websites (RFP 45).
- b. Identify each payment, donation, or other transfer of currency, cryptocurrency or thing of value made to Lackman related to his websites (ROG 2, RFP 1);

¹ See relevant portions of Lackman's June 21, 2018 letter concerning the discovery disputes, attached as Exhibit 1.

² Lackman's websites are tvaddons.ag (now tvaddons.co) and offshoregit.com.

- c. Identify all marketing revenue and donations received concerning the websites (ROG 14); and
- d. Identify the address and account number for each of his financial accounts (ROG 1, RFP 1).

2. Co-defendant information is discoverable and Lackman refuses to produce it.

DISH is entitled to discover information Lackman possesses about the infringing software program and the person that developed it, specifically co-defendant and ZemTV developer Durrani, the ZemTV addon, and the Protected Channels identified in paragraph 10 of DISH's amended complaint (Dkt. 10.)

Lackman admits that Durrani was the developer of ZemTV, Lackman claims he forwarded DISH's takedown notice to Durrani. Lackman admits he communicated with Durrani, and Lackman claims Durrani promised to "update" his software program to ensure that it would cease infringing DISH's copyrights.

Lackman, however, has failed to produce a single document about Durrani, the ZemTV addon, or the communications he claimed occurred. DISH requests an order compelling Lackman to produce all documents concerning Durrani, ZemTV, and the Protected Channels. (RFP 8, 21, 22, 23, 27, 28, 48, 58.).

DISH requests an order compelling Lackman to produce the foregoing information and documents within fourteen days.

Sincerely,

HAGAN NOLL & BOYLE LLC



Stephen M. Ferguson